



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

April 30, 2021

In Reply Refer To:

EPA Complaint No. 02AD-21-R4

John Blevins
Acting Regional Administrator
US EPA Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

blevins.john@epa.gov

Re: Rejection of Administrative Complaint

Dear Mr. Blevins:

This letter is to notify you that the Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), has completed its review of a complaint, filed against the EPA that was initially received by ECRCO on March 26, 2021. The complaint alleges that several employees of the EPA discriminated against a resident of Albany, NY, and by extension members of the Toxic Exposure Army Veterans of Fort McClellan (Alabama) organization on the basis of age and disability, in violation of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and the Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 et seq. After careful consideration, ECRCO is rejecting this complaint and closing the complaint as of the date of this letter, as ECRCO does not have jurisdiction to investigate.

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 Code of Federal Regulation (C.F.R.) § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

EPA itself is not an applicant for or recipient of EPA financial assistance. *See* 40 C.F.R. § 7.25. Accordingly, ECRCO is rejecting this complaint because as a result, the ECRCO does not have

jurisdiction to investigate this complaint.

However, after consultation with staff in EPA Region 4 (Southeast Regional office, Atlanta), where the Fort McClellan base was located prior to closure, we were able to connect the Complainant with Brian Holtzclaw, the Section Chief of the Region 4 Environmental Justice and Children's Health Section, Strategic Programs Office, Office of Regional Administrator. This introduction was made on a conference call on April 20, where a discussion began to discuss potential paths towards attainment of the health studies that were sought in the complaint. Mr. Holtzclaw can be reached by phone at (404)-562-8684, and by email at holtzclaw.brian@epa.gov.

We are closing this complaint with ECRCO as of the date of this letter. If you have questions about this letter, please contact Jonathan Stein, by phone at (202) 564-2088, by email at stein.jonathan@epa.gov, or by mail at U.S. EPA External Civil Rights Compliance Office, (Mail Code 2310A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Dorka', with a stylized flourish extending to the right.

for
Lilian Dorka

Director

External Civil Rights Compliance Office
Office of General Counsel

cc: Angelia Talbert-Duarte
 Associate General Counsel
 Civil Rights & Finance Law Office

Carol Monell
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
EPA Region 4

Leif Palmer
Regional Counsel
EPA Region 4